

ENTERED

August 05, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

JIMMY STEWART,
TDCJ # 02292628

Plaintiff,

VS.

TEXAS CITY POLICE DEPARTMENT
OFFICER JANE DOE, *et al.*,

Defendants.

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CIVIL ACTION NO. 3:19-0089

ORDER FOR A MARTINEZ REPORT

Plaintiff Jimmy Stewart, an inmate at the Texas Department of Criminal Justice—Correctional Institutions Division (“TDCJ”), filed this civil-rights action alleging that five unidentified officers with the Texas City Police Department used excessive force against him during his arrest on November 23, 2018. At the court’s request, Stewart has provided a more definite statement of his claims (Dkt. 14). The court has granted Stewart leave to file an amended complaint (Dkt. 16), which provides some identifying information about the officers he sues.


To supplement the pleadings, and so that the court can evaluate Stewart’s claims concerning the alleged use of force, the court orders the City of Texas City to provide a report to the court for its review within **60 days** under *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1987). *See Cay v. Estelle*, 789 F.2d 318, 323 & n.4 (5th Cir. 1986) (discussing the utility of a *Martinez* report). The *Martinez* report should include any Texas City

Police Department records related to Stewart's arrest on November 23, 2018, including video records, and his subsequent detention, as well as any other materials the city attorney believes would assist the court.

The Clerk is instructed to provide a copy of this order, along with a copy of the original complaint (Dkt. 1), the court's order for more definite statement (Dkt. 13), the plaintiff's more definite statement (Dkt. 14), and the plaintiff's amended complaint (Dkt. 16) to Kyle Dickson, City Attorney, City of Texas City, 1801 9th Avenue North, Texas City, TX 77592, (409)948-3111, **by certified mail, return receipt requested.**

The Clerk will provide a copy of this order to plaintiff.

Signed on Galveston Island this 5th day of August, 2020.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE